

## **Minutes of the Maine Real Estate Commission**

MAY 19, 2005

### **MEMBERS PRESENT**

Earl Black  
David Kitchen  
Sharon Millett (arrived at 9:35)  
Jeffrey Mitchell  
Winfred Stevens

### **STAFF PRESENT**

Carol Leighton, Director  
Karen L. Bivins, Deputy Director  
Judy Brown, Examiner  
Robert Perkins, A.A.G.  
Susan Greenlaw, Secretary

### **MEMBERS ABSENT**

**Location:** Androscoggin Room

**Start:** 9:00 a.m.

**Adjourn:** 1:17 p.m.

### **Minutes – April 21, 2005**

A motion was made by Jeffrey Mitchell and seconded by David Kitchen to approve the minutes of the April 21, 2005 meeting as written. Unanimous.

### **Agenda Modifications**

A motion was made by Jeffrey Mitchell and seconded by Earl Black to add the following to the agenda. Unanimous.

- I. Proposed Consent Agreement
  - a. #2005-006
- II. Proposed Dismissals
  - a. #2003-093
  - b. #2004-140
  - c. #2005-041
- III. Commission Decision and Order – Director v. David A. Ireland

### **Commission Hearings**

The Chair opened the hearing in the matter of Director v. Hollis Tedford. The Director was present and represented by Assistant Attorney General Robert Perkins. Mr. Tedford was present and not represented by an attorney. Assistant Attorney General Judy Peters attended as Commission counsel. Public deliberations were conducted at the close of the hearing.

A motion was made by David Kitchen and seconded by Earl Black to find Tedford in violation of 32 M.R.S.A. §§13067(1)(F) and 13197(1). Unanimous.

A motion was made by David Kitchen and seconded by Earl Black to order Tedford to: (1) Pay a fine in the amount of \$1000 within 30 days; (2) to submit within 30 days a course certificate documenting 3 clock hours of approved continuing education to be used only for completion of his November 2004 license renewal; and (3) to submit 15 hours of approved continuing education for his renewal in 2006. Unanimous.

The Chair opened the hearing in the matter of Cash C. Wiseman v. Director. Mr. Wiseman was present. The Director was present and represented by Assistant Attorney General Robert Perkins. Assistant Attorney General Judy Peters attended as Commission counsel. David Kitchen and Winfred Stevens recused and left the room. Public deliberations were conducted at the close of the hearing.

A motion was made by Jeffrey Mitchell and seconded by Earl Black to uphold the denial of Wiseman's license. Mitchell vote in the affirmative; Black and Millett opposed. Motion failed.

A motion was made by Earl Black and seconded by Jeffrey Mitchell to uphold the denial of Wiseman's license and grant licensure upon the following: (1) Payment of a fine in the amount of \$2500; (2) 90 day license suspension; and (3) submission of 15 hours of approved continuing education for renewal in 2007. Unanimous.

The hearing in the matter of Director v. Della E. Lamoreau was continued.

The Chair opened the hearing in the matter of Director v. Kathleen Scott. The Director was present and represented by Assistant Attorney General Robert Perkins. Ms. Scott was not present nor represented by an attorney. Assistant Attorney General Judy Peters attended as Commission counsel. Public deliberations were conducted at the close of the hearing.

A motion was made by Earl Black and seconded by Jeffrey Mitchell to find Scott in violation of 32 M.R.S.A. §§13067(1)(F) and 13197(1). Unanimous.

A motion was made by Earl Black and seconded by Winfred Stevens to order Scott to: (1) Pay a fine in the amount of \$700 within 30 days; (2) submit course certificates documenting 3 clock hours of approved continuing education within 30 days to be used only for her November 2004 renewal; and (3) submit 15 hours of approved continuing education for renewal in 2006. Unanimous.

### **Consent Agreements**

A motion was made by Earl Black and seconded by Jeffrey Mitchell to accept the proposed Consent Agreement in case number 2003-068. Kitchen recused and left the room; Black, Mitchell, and Stevens voted in the affirmative; none opposed. Motion carried.

A motion was made by Earl Black and seconded by David Kitchen to accept the proposed Consent Agreements in case numbers 2005-049 and 2005-051. Unanimous.

A motion was made by Earl Black and seconded by Jeffrey Mitchell to accept the proposed Consent Agreement in case number 2005-066. Unanimous.

### **Dismissed Complaints**

A motion was made by Jeffrey Mitchell and seconded by Winfred Stevens to accept the proposed Dismissals in case numbers 2003-058, 2003-069, 2004-006, 2005-006, 2003-093, and 2004-140. Unanimous.

A motion was made by Jeffrey Mitchell and seconded by Earl Black to accept the proposed Dismissal in case number 2005-041. Kitchen recused and left the room. Black, Mitchell, and Stevens voted in the affirmative; none opposed. Motion carried.

### **Continuing Education Course Sponsor Status – Stewart Title Guaranty Company**

A motion was made by David Kitchen and seconded by Jeffrey Mitchell to suspend their authority to offer classes for a period of six months beginning July 1, 2005. Chapter 370 section 2A, 4H, H. 32 MRSA 13197. Unanimous.

### **Real Estate Broker's Escrow Deposit Subject to 33 MRSA – Robert Perkins, AAG Memorandum dated April 13, 2005**

A copy of Bob Perkins' memo will be forward to Nicholas Bull.

### **Commission Decision and Order – Director v. David A. Ireland**

A motion was made by Earl Black and seconded by Jeffrey Mitchell to accept the Decision & Order in the matter of Director v. David A. Ireland. Black, Kitchen, Millett, and Mitchell voted in the affirmative; none opposed; Stevens abstained. Motion carried.

### **Director's Report**

#### **Legislative Update**

L.D. 1525: Members were provided with an update. Passed as proposed with one change: new effective date 7/1/06.

L.D. 1484: Members were provided with an update. Passed as amended.

L.D. 601: Voted "ONTP" unanimously.

June ARELLO Meeting – Update: Members were provided with an updated schedule.

Keith Collins – Response to "cease and desist" letter: Members reviewed the letter.

Commission meeting dates – confirm schedule: The August 18<sup>th</sup> meeting was rescheduled to the 25<sup>th</sup>. The September 15<sup>th</sup> meeting was rescheduled to the 22<sup>nd</sup>.

**Next Meeting Scheduled for June 16, 2005**

The meeting was adjourned at 1:17 p.m.

This report respectfully submitted,

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Sharon Millett  
Chairperson

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Carol J. Leighton  
Director